

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

CITY OF ROCKFORD, *et al.*,
Plaintiffs,

v.

MALLINCKRODT ARD INC., *et al.*,
Defendants.

Case No. 3:17-cv-50107

Hon. Frederick J. Kapala, Judge

Hon. Iain D. Johnston, Magistrate
Judge

MSP RECOVERY CLAIMS, SERIES LLC, *et al.*,
Plaintiffs,

v.

MALLINCKRODT ARD INC., *et al.*,
Defendants.

Case No. 1:18-cv-00379

Hon. Frederick J. Kapala, Judge

Hon. Iain D. Johnston, Magistrate
Judge

JOINT WRITTEN STATUS REPORT

NOW COME Plaintiffs CITY OF ROCKFORD and ACUMENT GLOBAL TECHNOLOGIES, INC. (“Rockford Plaintiffs”); and Plaintiffs MSP RECOVERY CLAIMS, SERIES, LLC, MAO-MSO RECOVERY II, LLC, MSP RECOVERY, LLC, and MSPA CLAIMS 1, LLC (“MSP Plaintiffs”); and Defendants MALLINCKRODT ARD INC. *formerly known as* QUESTCOR PHARMACEUTICALS, INC., MALLINCKRODT PLC, EXPRESS SCRIPTS HOLDING COMPANY, EXPRESS SCRIPTS, INC., CURAScript, INC., ACCREDO HEALTH GROUP, INC. and UNITED BIOSOURCE CORPORATION (“Defendants”), and submit this Joint Written Status Report pursuant to the Court’s Order of April 18, 2018, Docket # 132.

STATUS

1. At the most recent status conference on April 18, 2018, the Court directed the Parties to continue working together to finalize a proposed confidentiality order and submit same to the Court by May 18, 2018 (as a joint order if possible), along with a status report addressing any remaining disputes concerning the proposed confidentiality order.

2. The Parties have reached agreement on all terms of the proposed confidentiality order. Accordingly, the Parties are submitting their Agreed [Proposed] Confidentiality Order to the Court's Proposed Order email address on May 18, 2018.

3. The Court also directed the parties to continue working on a proposed ESI protocol and to include an update on their negotiations in their May 18, 2018 status report.

4. The Parties are still working together to arrive at a joint proposed ESI protocol and to narrow their differences as much as possible before submitting a proposed ESI protocol to the Court for consideration.

5. By way of background, Defendants sent a proposed ESI protocol to Rockford Plaintiffs on March 13, 2018 and to MSP Plaintiffs on April 2, 2018. On April 17, 2018, Plaintiffs jointly sent proposed revisions to Defendants' proposed ESI protocol. On May 11, 2018, Defendants provided a further revised draft of an ESI protocol to Plaintiffs.

6. On May 18, 2018, the Parties held a lengthy two-hour telephonic meet and confer to review the most recent version of the proposed ESI protocol. During that call, the Parties were able to resolve some disputes and identify areas that may require the Court's involvement and possible ruling. Defendants and Plaintiffs have agreed to confer amongst themselves, and with their respective clients and e-discovery teams, on specific disputes identified in the call that may still be resolved without the Court's involvement. The Parties plan to correspond and/or confer further before the upcoming status conference on May 23, 2018.

7. In the MSP Matter (1:18-cv-00379), on April 27, 2018, the MSP Plaintiffs formally requested a conference pursuant to Fed. R. Civ. P. 26(f) to initiate discovery. On May 3, 2018, the MSP Plaintiffs and Defendants met and conferred telephonically about a Rule 26(f) conference. Defendants advised that although they believe such a conference is premature, they would agree to have a Rule 26(f) conference. The MSP Plaintiffs agreed to prepare a draft initial status report to guide that discussion. The parties will continue to work together and seek any appropriate scheduling input from the Court.

Respectfully Submitted,

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